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FUJITSU MICROELECTRONICS AMERICA, INC.

FILED
DISTRICT COURT OF GUAM

DEC - 5 2006

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF GUAM

NANYA TECHNOLOGY CORP.,

Plaintiff,

-v-

**FUJITSU LIMITED, FUJITSU
MICROELECTRONICS AMERICA, INC.,**

Defendants.

CIVIL CASE NO. 06-CV-00025

**FUJITSU MICROELECTRONICS
AMERICA, INC.'S MOTION FOR
LEAVE TO FILE PORTABLE
DOCUMENT FORMAT ("PDF") AND
FACSIMILES COPIES PENDING
RECEIPT OF ORIGINAL**

[NO ORAL ARGUMENT REQUESTED]

ORIGINAL

1 NOW COMES Defendant Fujitsu Microelectronics America, Inc.¹ ("FMA") and
2 respectfully moves this Honorable Court for leave to file herewith PDF and/or facsimile copies of
3 the following document pending receipt of the original:

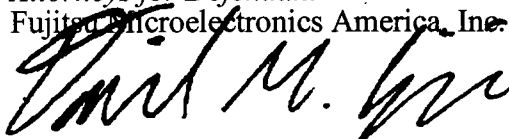
4 1) **MICHAEL M. MOORE DECLARATION IN SUPPORT**
5 **OF FUJITSU MICROELECTRONICS AMERICA,**
6 **INC.'S MOTION TO DISMISS OR TRANSFER TO**
7 **THE NORTHERN DISTRICT OF CALIFORNIA AND**
8 **FOR A MORE DEFINITE STATEMENT**

9 This motion is made pursuant to GR 5.1(a) of the Local Rules of Practice for the
10 District Court of Guam. FMA seeks leave to file the copies pending receipt of the originals on
11 the ground that the signatory is not a resident of Guam, and it was not possible in the time
12 available to transmit the originals to Guam for filing. The original documents are being sent to
13 counsel, and will be filed with the Court upon receipt. Pending receipt of the originals, FMA
14 therefore requests leave to file pdf and/or facsimile copies, which are being filed herewith.

15 Respectfully submitted this 5th day of December, 2006.

16 **CALVO & CLARK, LLP**
17 **MILBANK, TWEED, HADLEY**
18 **& MCCLOY LLP**
19 *Attorneys for Defendant*
20 *Fujitsu Microelectronics America, Inc.*

21 By:



22 **DANIEL M. BENJAMIN**

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27 ¹ In filing this necessary procedural motion, FMA does not in any way consent to personal
28 jurisdiction over it in this matter, and respectfully reserves the right to raise that issue (and others
as permitted under Fed. R. Civ. Proc. 12) in its first responsive pleading.